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DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS WARNER ROBINS AIR LOGISTICS CENTER (AFMC)

31 DEC 1996

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Comments:

Fact on 70-41 if approved

MEMORANDUM FOR ALL DIRECTORATES AND STAFF OFFICES

FROM: WR-ALC/CC

SUBJECT: Protection of Sensitive Information

1. Our contracting employees are matrixed to product directorates and are co-located with requirements personnel. Department of Defense contractor employees are also co-located with requirements and contracting personnel. To ensure the integrity of our procurement processes is not compromised, even under these potentially compromising arrangements, the following actions will be integrated into existing base operations.

2. Training Requirements.

a. The Joint Ethics Regulation (JER) presently requires annual training for both procurement officials and OGE 450 Financial Disclosure Form Filers. Attendance at this annual training will be expanded to include any government employee or military member who may have access to proprietary, source selection, or acquisition sensitive information. Note on the attached fact sheet that "acquisition sensitive information" is any information about a specific government requirement or a proposed acquisition strategy. For example, a contractor's subcontracting plan would be nonreleasable acquisition sensitive information.

b. All government personnel, who are directly or indirectly involved in a source selection process, will attend the Request for Proposal Support Office (RFPSO) sponsored Source Selection Training which shall include one hour of ethics training.

3. Desktop Information Sheet. Please ensure your subordinates use the attached "Fact Sheet on Sensitive Information" as a reminder to enhance awareness and compliance.

4. Contractor Access. It is the responsibility of government personnel to safeguard sensitive information. If circumstances require, this can include keeping contractors or any unauthorized personnel physically located away from anyone processing sensitive information. The AFARS clause at 5352.242-9000 should be inserted in solicitations and contracts.

RONDAL H. SMITH  
Major General, USAF  
Commander

Attachments:

1. Desktop Fact Sheet Atch 97-5A (FAR 3)
2. AFARS Clause

Post to FAR 3.104 by circling the reference and noting in the margin: "70-41, Atch 97-5A. Then file this atch behind the sups to FAR 3.

## FACT SHEET ON SENSITIVE INFORMATION

Applicable Regulations/Guidance:  
Federal Acquisition Regulation (FAR) 3.104-5  
FAR 15.10  
Air Force FAR Supplement Appendices AA & BB  
AFI 37-131 (Freedom of Information Act)  
DODD 5500.7 Joint Ethics Regulation

### Types of Sensitive Information

**Source Selection Information** - information, including information stored in electronic, magnetic, audio or video formats, which is prepared or developed for use by the Government to conduct a particular procurement and:

(1) the disclosure of which to a competing contractor would jeopardize the integrity or successful completion of the procurement concerned; and

(2) is required by statute, regulation, or order to be secured in a source selection file or other facility to prevent disclosure. (EXAMPLES: competitive price proposals, source selection or technical evaluation plans, evaluation results. any information marked "Source Selection Information - See FAR 3.104)

**Proprietary Information** - information contained in a bid or proposal or otherwise submitted to the Government by a competing contractor in response to the conduct of a particular Federal agency procurement, or in an unsolicited proposal, that has been marked by the competing contractor as proprietary information in accordance with applicable law and regulation. (EXAMPLES: commercial or financial information, trade secrets, technical information of a confidential or privileged nature, information clearly and separately marked as "proprietary" by a contractor; this does not include information that is otherwise publicly available without restriction)

**Acquisition Sensitive Information** - information regarding a specific Government requirement or the proposed acquisition strategy (EXAMPLES: program management documents, budgetary information, acquisition plans, purchase requests, and any other information when advance knowledge of the information might provide a competitive advantage over other offerors not having access to the information); while this category of information is not defined by regulation, it is recognized here due to the potential that mishandling this type of information could impact the integrity of an acquisition

### Responsibility to Protect Information

**Source Selection Information** - During the conduct of a formal source selection (AFFARS Appendices AA/BB), disclosure of source selection information outside of the source selection organization is the responsibility of the Contracting Officer and the Source Selection Authority. Before a member of the source selection organization is allowed access to source selection information, the individual must have completed a Source Selection Information Briefing Certificate. Managers are not authorized access to source selection information merely by virtue of their supervisory responsibilities relative to source selection team members; they may only receive source selection information if they are a team member and have executed the required certificate. Source selection information should be placed in a secure place (locked room or container) when not in use. After contract award, the authority to release source selection information resides with SAF/AQC or the responsible PEO, DAC, or activity commander. For source selections not utilizing AFFARS Appendices AA/BB, the requirements are not as stringent; however, the responsibility to ensure that the integrity of the source selection is not compromised is just as critical.

**Proprietary Information** - Proprietary information may not be disclosed to parties outside the Government unless the Government has acquired rights to use the information. Unauthorized release of contractor proprietary

information might cause substantial competitive harm to an individual contractor and make it more difficult to obtain proprietary information in the future. If a reviewer believes that proprietary markings are not justified, the contracting officer should be advised. The contracting officer may require the contractor to justify proprietary markings; if the contractor fails to justify proprietary markings, the contracting officer may remove the markings and release the information. This normally only applies to technical data. Release of a contractor's proprietary information should always be coordinated through the contracting and legal offices.

**Acquisition Sensitive Information** - This type of information should only be released by or with the agreement of a contracting officer. Release of acquisition sensitive information should be conducted in such a manner that all potential competing contractors are aware of its availability and have access to the information at the same time. This may be accomplished by advertising availability of the information through synopsis in the Commerce Business Daily, use of electronic bulletin boards, public posting, releasing a draft Request for Proposal, etc.

### Special Situations

**The Work Area** - Because of the increase in the number(s) of contractor personnel co-located with government personnel in the work area, particular caution should be taken when discussing contractor proprietary or acquisition sensitive information in open work areas. Systems furniture creates a false sense of security - conversations can easily be overheard in the next cubicle or even several cubicles away. This concern also applies to government personnel with regard to source selection information. Sensitive information can also be inadvertently released if it is being discussed as contractor representatives are being escorted through the work area. The best practice is to discuss sensitive information, particularly source selection information, in an area where access can be controlled. Unless it is actually classified, source selection, proprietary, and acquisition sensitive information may be discussed over the phone. These types of information may also be telefaxed (unless classified). For formal source selection information, the sender should be sure that a member of the source selection organization or other authorized individual (having signed the required certificate) is available to take immediate possession of the information at the receiving location. Source selection information relating to an Appendix AA or BB source selection should not be transmitted through E-mail as system administrators and contractor support personnel may be able to override passwords.

**Contractors Acting in an Advisory Capacity** - When proposals submitted in response to a Government solicitation may be reviewed by a non-government entity, the solicitation must include a clause that notifies competing contractors of this possibility. The clause may identify the non-government entity and/or specific individuals by name. In addition, an organizational conflict of interest clause covering non-disclosure of contractor data must have been included in the contract under which the non-government advisor is performing. The non-government entity must establish a direct agreement with the company whose information they will review regarding non-disclosure of the information. Non-government advisors participating in a formal source selection must also execute a Source Selection Information Briefing Certificate.

**Freedom of Information Act Requests** - Contractor proprietary information is not subject to release in accordance with exemption (4), Confidential Commercial Information, unless prior permission has been obtained from the contractor. Source selection information is protected under exemption (5), Inter or Intra-Agency Records.

5352.242-9000 Contractor Access to Air Force Installations.

As prescribed in 5342.490 insert a clause substantially the same as the following clause in solicitations and contracts:

CONTRACTOR ACCESS TO AIR FORCE INSTALLATIONS (MAY 1996)

- (a) The contractor shall obtain base identification and vehicle passes for all contractor personnel who make frequent visits to or perform work on the Air Force installation(s) cited in the contract. Contractor personnel are required to wear or prominently display installation identification badges or contractor-furnished contractor identification badges while visiting or performing work on the installation.
- (b) The contractor shall submit a written request on company letterhead to the contracting officer listing the following: contract number, location of work site, start and stop dates, the names of employees and subcontractor employees needing access to the base. The letter will also specify the individual(s) authorized to sign for a request for base identification credentials or vehicle passes. The contracting officer will endorse the request and forward it to the issuing base pass and registration office or security police for processing. When reporting to the registration office, the authorized contractor individual(s) should provide a valid driver's license, current vehicle registration, valid insurance certificate, and *(insert any additional requirements to comply with local security procedures)* to obtain a vehicle pass.
- (c) During performance of the contract, the contractor shall be responsible for obtaining required identification for newly assigned personnel and for prompt return of credentials and vehicle passes for any employee who no longer requires access to the work site.
- (d) When work under this contract requires unescorted entry to controlled or restricted areas, the contractor shall comply with AFI 31-209, the Air Force Resource Protection Program, and AFI 31-501, Personnel Security Program Management, as applicable.
- (e) Upon completion or termination of the contract or expiration of the identification passes, the prime contractor shall ensure that all base identification passes issued to employees and subcontractor employees are returned to the issuing officer.
- (f) Prior to submitting an invoice for final payment, the prime contractor shall obtain a clearance certification from the issuing office which states all base identification passes have been turned in, accounted for, or transferred to a follow-on contract. This certification shall be submitted to the contracting officer prior to submission of the final invoice for payment.
- (g) Failure to comply with these requirements may result in withholding of final payment.